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**FACSIMILE TRANSMITTAL**

**TO:**

Name: Mail Stop ISSUE FEE  
Firm: U.S. Patent & Trademark Office  
Fax No.: 571-273-2885  
Subject: U.S. Patent Application No. 09/497,590  
Gary Karlin Michelson  
Filed: June 6, 2000  
APPARATUS INCLUDING A GUARD MEMBER  
HAVING A PASSAGE WITH A NON-CIRCULAR  
CROSS SECTION FOR PROVIDING PROTECTED  
ACCESS TO THE SPINE  
Attorney Docket No. 101.0044-03000  
Customer No. 22882  
Confirmation No. 7688

**FROM:**

Name: Thomas H. Martin, Esq.  
Phone No.: 330-877-2277  
No. of Pages (including this): 71  
Date: August 4, 2008  
Confirmation Copy to Follow: No

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**Message:**

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Reply to Office Communication with clean copy of the specification as filed on June 3, 2000 is being facsimile transmitted to the U.S. Patent and Trademark Office on August 4, 2008.



Sandra L. Blackmon

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PATENT  
Attorney Docket No. 101.0044-03000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Confirmation No.: 7688  
Gary K. Michelson )  
Serial No.: 09/497,590 ) Group Art Unit: 3772  
Filed: June 6, 2000 ) Examiner: Michael A. Brown  
For: APPARATUS INCLUDING A GUARD)  
MEMBER HAVING A PASSAGE )  
WITH A NON-CIRCULAR CROSS )  
SECTION FOR PROVIDING )  
PROTECTED ACCESS TO THE )  
SPINE (as amended) )

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REPLY TO OFFICE COMMUNICATION**

In reply to the Office Communication dated July 30, 2008 and pursuant to the Examiner's request, submitted herewith is a clean copy of the above-identified specification as filed previously submitted on June 3, 2000.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-3726.

Respectfully submitted,  
**MARTIN & FERRARO, LLP**

Date: August 4, 2008

By:   
Thomas H. Martin  
Registration No. 34,383

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